



[4910-13-P]

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA-2011-1155; Directorate Identifier 2011-CE-032-AD; Amendment 39-16913; AD 2012-01-02]**

**RIN 2120-AA64**

**Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Gliders**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Final Rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for Schempp-Hirth Flugzeugbau GmbH Model Discus 2cT gliders. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as small cracks which have been found on engine pylons in the area of the lower engine support that have not been detected during the standard daily inspection. This condition, if not detected and corrected, could lead to an engine pylon failure resulting in loss of control of the glider. We are issuing this AD to require actions to address the unsafe condition on these products.

**DATES:** This AD is effective [INSERT DATE 35 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of [INSERT DATE 35 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at Document Management Facility, U.S.

Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

For service information identified in this AD, contact Schempp-Hirth Flugzeugbau GmbH, Krebenstrasse 25, D-73230 Kirchheim/Teck, Germany; phone: +49 7021 7298-0; fax +49 7021 7298-199; Internet: <http://www.schempp-hirth.com>; email: [info@schempp-hirth.com](mailto:info@schempp-hirth.com). You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

**FOR FURTHER INFORMATION CONTACT:** Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4165; fax: (816) 329-4090; e-mail: [jim.rutherford@faa.gov](mailto:jim.rutherford@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the *Federal Register* on October 21, 2011 (76 FR 65421). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

It has been reported that small cracks on engine pylons, in the area of the lower engine support, were not detected through the “standard” inspection required by the daily inspection instructions. The cracks were discovered only after having significantly grown.

This condition, if not detected and corrected, could lead to an engine pylon failure and consequent damage to the aeroplane or injury to people on the ground.

For the reasons described above, this AD requires to replace the daily inspections pages of the Aircraft Flight Manual (AFM) that are describing the engine pylon inspection instructions, to inspect the affected engine pylon area in accordance with those instructions, and the replacement with a newly designed engine pylon in case of findings.

## **Comments**

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (76 FR 65421, October 21, 2011) or on the determination of the cost to the public.

## **Conclusion**

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

## **Costs of Compliance**

We estimate that this AD will affect 3 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is \$85 per work-hour.

Based on these figures, we estimate the cost of this AD on U.S. operators to be \$255, or \$85 per product.

In addition, we estimate that any necessary follow-on actions would take about 8 work-hours and require parts costing \$1,697, for a cost of \$2,377 per product. We have no way of determining the number of products that may need these actions.

## **Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority

because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### **Regulatory Findings**

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### **Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM (76 FR 65421, October 21, 2011), the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

### **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### **Adoption of the Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

## **PART 39 - AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

### **§ 39.13 [Amended]**

2. The FAA amends § 39.13 by adding the following new AD:

2012-01-02 **Schempp-Hirth Flugzeugbau:** Amendment 39-16913; Docket No. FAA-2011-1155; Directorate Identifier 2011-CE-032-AD.

#### **(a) Effective Date**

This airworthiness directive (AD) becomes effective [INSERT DATE 35 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

#### **(b) Affected ADs**

None.

#### **(c) Applicability**

This AD applies to Schempp-Hirth Flugzeugbau Discus 2cT gliders, serial numbers 1 through 35, certificated in any category, except those on which a engine pylon, part number (P/N) M03RT841, is installed.

#### **(d) Subject**

Air Transport Association of America (ATA) Code 54: Nacelles/Pylons.

#### **(e) Reason**

This AD was prompted by small cracks which have been found on engine pylons in the area of the lower engine support that have not been detected during the standard daily inspection. This condition, if not detected and corrected, could lead to an engine pylon failure resulting in loss of control of the glider. We are issuing this AD to require actions to address the unsafe condition on these products.

#### **(f) Actions and Compliance**

Unless already done, do the following actions:

(1) Within 30 days after the effective date of this AD, replace the daily inspection pages of the airplane flight manual following Schempp-Hirth Flugzeugbau GmbH Technical Note No. 863-20 Revision 1, dated July 27, 2011. The actions required by this paragraph may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR §§ 43.9 (a)(1)-(4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR §§ 91.417, 121.380, or 135.439. All other actions in this AD must be done by a properly certificated aircraft mechanic.

(2) Before further flight after doing the action in paragraph (f)(1) of this AD and repetitively thereafter at intervals not to exceed every 12 months, inspect the engine pylon for damage or cracks, following the daily inspection instructions as amended by Schempp-Hirth Flugzeugbau GmbH Technical Note No. 863-20 Revision 1, dated July 27, 2011.

(3) If during the daily inspections in the instructions amended by Schempp-Hirth Flugzeugbau GmbH Technical Note No. 863-20 Revision 1, dated July 27, 2011, in paragraph (f)(1) of this AD or the inspections required in paragraph (f)(2) of this AD, any damage or crack is found on the engine pylon, before further flight, replace the engine pylon with an engine pylon part number M03RT841 following Schempp-Hirth Flugzeugbau GmbH Technical Note No. 863-14, dated July 18, 2006.

**(g) FAA AD Differences**

NOTE: This AD differs from the MCAI and/or service information as follows: In addition to the daily pilot inspections of the engine pylon required by the foreign authority, the FAA also requires an initial and annual repetitive inspection by a properly certificated aircraft mechanic.

**(h) Other FAA AD Provisions**

The following provisions also apply to this AD:

**(1) Alternative Methods of Compliance (AMOCs):** The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4165; fax: (816) 329-4090; e-mail: jim.rutherford@faa.gov. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

**(2) Airworthy Product:** For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

**(3) Reporting Requirements:** For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, AES-200.

**(i) Related Information**

Refer to MCAI EASA AD No.: 2011-0146, dated August 3, 2011; Schempp-Hirth Flugzeugbau GmbH Technical Note No. 863-14, dated July 18, 2006; and Schempp-Hirth Flugzeugbau GmbH Technical Note No. 863-20 Revision 1, dated July 27, 2011, for related information.

**(j) Material Incorporated by Reference**

(1) You must use the following service information to do the actions required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference (IBR) under 5 U.S.C. 552(a) and 1 CFR part 51 of the following service information:

(i) Schempp-Hirth Flugzeugbau GmbH Technical Note No. 863-14, dated July 18, 2006; and

(ii) Schempp-Hirth Flugzeugbau GmbH Technical Note No. 863-20 Revision 1, dated July 27, 2011.

(2) For service information identified in this AD, contact Schempp-Hirth Flugzeugbau GmbH, Krehenstrasse 25, D-73230 Kirchheim/Teck, Germany; phone: +49 7021 7298-0; fax +49 7021 7298-199; Internet: <http://www.schempp-hirth.com>; email: [info@schempp-hirth.com](mailto:info@schempp-hirth.com).

(3) You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

(4) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information



on the availability of this material at an NARA facility, call 202-741-6030, or go to  
[http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Kansas City, Missouri, on January 3, 2012.

Earl Lawrence,  
Manager, Small Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. 2012-208 Filed 01/10/2012 at 8:45 am; Publication Date: 01/11/2012]